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Internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report prepared by the Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, in accordance with General Assembly resolution 54/167 of 11 November 1999 and Commission on Human Rights resolution 2001/54 of 24 April 2001.

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Executive summary

In 1992, in response to growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the Commission on Human Rights requested the United Nations Secretary-General to appoint a representative on internally displaced persons (Commission resolution 1992/73). Francis M. Deng (Sudan) was appointed to the position and, as with other special procedures of the Commission, serves in that capacity on a voluntary and part-time basis.

The Representative was requested to prepare a comprehensive study identifying existing laws and mechanisms for the protection of internally displaced persons, additional measures to strengthen implementation of those laws, and alternatives for addressing protection needs not adequately covered by existing instruments. The mandate of the Representative has since been renewed by the Commission four times (in resolutions 1993/95, 1995/57, 1998/50 and 2001/54). The Representative was requested to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, and to do so through dialogue with Governments and intergovernmental, regional and non-governmental organizations, and by taking into account specific situations.

The present report provides an overview of developments in the work of the Representative since his report to the General Assembly at its fifty-fourth session (A/54/409), focusing on the various areas of work of the mandate, specifically: a normative framework, in particular the promotion of the Guiding Principles on Internal Displacement; efforts to establish an effective institutional framework; country missions; and new issues for research.

Report of the Representative of the Secretary-General on internally displaced persons

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I. Introduction

1. Eight years after the General Assembly first considered the problem, the international community continues to seek ways and means to respond effectively and comprehensively to the global problem of internal displacement. To be sure, some positive steps have been taken during this period. In particular, international visibility has been raised so that the needs of internally displaced persons are universally acknowledged and understood. In addition, a normative framework has been developed for meeting the protection and assistance needs of the internally displaced, as manifested in the Guiding Principles on Internal Displacement, which provide useful guidance to Governments and other relevant actors. Furthermore, increased focus in the past 18 months on the need for more effective international institutional arrangements for responding to crises of internal displacement has resulted in encouraging moves towards a more coordinated response on the part of the United Nations.

2. Such developments notwithstanding, the global crisis of internal displacement remains acute, affecting some 20-25 million persons in at least 40 countries worldwide, uprooting them from their homes, exposing them to physical and psychological dangers, and depriving them of basic needs. Consequently, the need to translate normative and institutional responses into effective field-based strategies for responding to the protection and assistance needs of internally displaced persons remains pressing.

3. The present report highlights the main developments since the Representative's report to the fifty-fourth session of the General Assembly (A/54/409) in the four key areas of his mandate: a normative framework on internal displacement; an institutional framework; a country focus; and a research agenda.

II. A normative framework on internal displacement

4. As detailed in the previous reports to the Commission on Human Rights and the General Assembly, a major focus of the Representative's mandate from the outset has been the development of a normative framework for addressing the protection and assistance needs of the internally displaced. The most significant development in this regard was the preparation, at the request of the Commission on Human Rights and the General Assembly, of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). Based on the two-part compilation and analysis of legal norms (E/CN.4/1996/52/Add.2 and E/CN.4/1998/53/Add.1), the Guiding Principles were developed over a period of several years, consolidated into one document, and finalized at an expert consultation hosted by the Government of Austria in January 1998. The process was broad-based and brought together legal experts from all parts of the world, including representatives of international organizations, regional intergovernmental bodies, non-governmental organizations, and research and academic institutions.

5. Reflecting and consistent with international human rights and humanitarian law, and with refugee law by analogy, the Principles set forth the rights and guarantees involved in all phases of displacement, providing protection against arbitrary displacement and protection and assistance during displacement and during return or resettlement and reintegration. They provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

6. The Guiding Principles were presented to the Commission on Human Rights at its fifty-fourth session in 1998. In resolution 1998/50, the Commission noted the progress made by the Representative in developing a legal framework, took note of the Guiding Principles and of the stated intention of the Representative to make use of them in his dialogue with Governments and intergovernmental and non-governmental organizations, and requested him to report on his efforts in that regard and the views expressed to him.

7. In subsequent resolutions, the Commission and the General Assembly (resolution 54/167) welcomed the fact that the Representative had made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requested him to continue his efforts in that regard. Moreover, at its most recent session, the Commission on Human Rights, in resolution 2001/54, noted with appreciation that an increasing number of

States, United Nations agencies, and regional and non-governmental organizations were making use of the Principles, and encouraged their further dissemination and application.

8. The Representative reported at the Assembly's fifty-fourth session on views expressed on the Guiding Principles by Governments and intergovernmental and non-governmental organizations and on the efforts taken by them to promote, disseminate and apply the Guiding Principles. Information on these efforts and subsequent developments is provided below.

A. Recent responses to the Guiding Principles at the United Nations

9. At the sessions of the Commission on Human Rights since 1998, a number of States have spoken positively of the contribution of the Guiding Principles to helping concerned actors to meet the protection and assistance needs of internally displaced persons.[1] Most recently, at the Commission's fifty-seventh session, the representative of Georgia stated that the Principles were a useful instrument for protecting the rights of internally displaced persons and that his Government was taking steps to bring certain national legislative provisions into line with the standards contained in the Principles. At the Commission, at an open meeting on using the Guiding Principles, representatives of Angola and Burundi also explained how their Governments were using the Principles as a basis for domestic law and policy. The representative of Switzerland noted that the Guiding Principles were extremely relevant and important in responding to internal displacement. The representative of Austria stated that the Principles constituted an important tool for Governments, international, regional and non-governmental organizations, and other actors when faced with situations of internal displacement. The Government of Austria was encouraged to see the United Nations system and an increasing number of States applying the Principles on the ground and noted that the Principles had gained broad international recognition. Recalling its comments from the Commission's previous session, the representative of India, while noting that the Guiding Principles were not legally binding, also recognized that they could serve as useful guidelines for States when required. India did not, however, consider development-induced displacement, cited in the Principles, as falling within the international domain.

10. At the Security Council, as noted in the Representative's previous report to the General Assembly, a number of speakers underscored the importance of a normative framework for addressing the plight of the internally displaced during discussions on the protection of civilians in armed conflict.[2] Similar views were expressed during the Council's further consideration of this issue in September 1999[3] and April 2000.[4] In his report to the Council (S/1999/957), the Secretary-General noted that, in the absence of a specific international legal framework spelling out the rights and freedoms of internally displaced persons, the Representative had compiled the Guiding Principles based on existing international humanitarian and human rights law. The Secretary-General recommended that, in situations of mass displacement, the Security Council encourage States to follow the legal guidance provided by the Guiding Principles.

11. During the Security Council's "Month of Africa" in January 2000 and its consideration of the item on humanitarian assistance to refugees in Africa, the Council issued a presidential statement noting that United Nations agencies and regional and non-governmental organizations, in cooperation with host countries, are making use of the Guiding Principles, inter alia, in Africa (S/PRST/2000/1). During the debate on this item, a number of delegations spoke on the internal displacement issue and the current lack of a legal framework and the role, therefore, of the Guiding Principles (S/PV.4089). Later that month, the Security Council adopted a resolution concerning the situation in Burundi (resolution 1286 (2000)), in which it noted that United Nations agencies and regional and non-governmental organizations, in cooperation with host countries, were making use of the Guiding Principles, inter alia, in Africa.

12. Views on the issue of internal displacement and the Guiding Principles were also expressed by States in the context of the Security Council's discussion on "maintaining peace and security: humanitarian aspects of issues before the Security Council" in March 2000 (S/PV.4110), and later in July 2000, when the Council discussed the report of the Secretary-General on children and armed conflict (A/55/163-S/2000/712), which recommends, inter alia, that the Council call

upon parties to armed conflict to adhere to the Guiding Principles (S/PV.4176 and resumption 1).

13. The Economic and Social Council considered the issue of internal displacement in the context of its humanitarian affairs segment in July 2000. It will be recalled that in its agreed conclusions 1998/2 of its coordination segment, the Council commended the efforts taken to promote a comprehensive strategy that focuses on prevention, as well as better protection, assistance and development for internally displaced persons and noted the progress achieved in developing a legal framework. The Council also referred to the Guiding Principles in its agreed conclusions 1998/1, on the issue of special economic, humanitarian and disaster relief assistance, noting the Inter-Agency Standing Committee (IASC) decision relating to them. The following year, in its agreed conclusions 1999/1, it called on all States to apply internationally recognized norms with regard to internally displaced persons and also took note of the fact that IASC is using the Guiding Principles.

14. In 2000, the humanitarian affairs segment considered the issue of internal displacement within the much broader theme of strengthening of the coordination of emergency humanitarian assistance of the United Nations. The Secretary-General, in his report to the Council on strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/55/82-S/2000/61), noted that the Representative had made substantive progress in mobilizing international attention to the problems of the internally displaced and identifying their specific rights and needs. The Guiding Principles were cited as the result of these efforts and, based on existing principles of international law, were considered to offer important guidance. The Secretary-General noted that agencies had recognized the Principles as a valuable instrument for strengthening the linkage between assistance and protection in all phases of displacement.[5]

15. In the informal discussions during the humanitarian affairs segment, which did not produce any agreed conclusions, the representatives of several Governments expressed concern that the Principles had not been drafted or formally adopted by Governments. However, those same States, it was pointed out, had voted for the resolutions of the Commission and the General Assembly encouraging the development of the Principles, recommending their wide dissemination and requesting the Representative to use them in his dialogue with Governments. Indeed, Governments from all regions have expressed support for the guidance contained in the Principles and emphasized their value to those working with the displaced.

16. During the fifty-fifth session of the General Assembly, interest in the Guiding Principles was expressed in the context of the annual resolution on the Office of the United Nations High Commissioner for Refugees (UNHCR). At its previous two sessions, the General Assembly had noted in that resolution the relevance of the Guiding Principles and reaffirmed its support for the role of UNHCR in providing assistance and protection to the internally displaced (resolutions 53/125, 54/146). At the fifty-fifth session, the representative of Egypt requested a vote on the paragraph referring to the internally displaced: 139 States voted in favour of the paragraph; none voted against and 31 abstained. The resolution itself was adopted without a vote (resolution 55/74).

17. In response to these developments, the Representative has had meetings with a number of Governments, including the Government of Egypt, and in response to their concerns, intends to broaden and intensify, in the context of his missions and in bilateral or multilateral meetings, his consultations with States on the Guiding Principles and how best to apply them in support of internally displaced populations.

B. Promotion, dissemination and application of the Guiding Principles

18. Significant efforts to promote, disseminate and apply the Principles are being undertaken at the national, regional and international levels by Governments, non-governmental organizations and intergovernmental organizations.

National level

19. A number of significant developments have taken place at the national level as concerns the promotion and application of the Principles since the Representative last reported to the General Assembly. In Colombia, for example, the Constitutional Court has delivered two judgements which cite the Guiding Principles in support of actions in favour of the internally displaced. In one of those judgements, the Court, while noting that the Guiding Principles do not

constitute an international treaty, stated that they clarify the gaps and grey areas in existing international law and have been widely accepted by international human rights organizations and should, therefore, be used as the parameters for the creation of rules and for the interpretation of Law 387 of 1997 regarding forced displacement. In addition, the Office of the President of Colombia cites the Principles as the inspiration for its integrated policy for internally displaced persons. The Ombudsman's Office included the Principles in its public awareness campaign about internal displacement, and the Red de Solidaridad Social, the government agency focusing on internal displacement, included the Principles in its book, *Attention to the Population Displaced by the Armed Conflict*. Furthermore, the Colombian Ministry of Health and the Pan American Health Organization (PAHO) have translated *Handbook for Applying the Guiding Principles* into Spanish so as to promote its use in Colombia and other countries in the Americas.

20. In another example, in Angola, the Guiding Principles became the basis for minimum standards for the resettlement of internally displaced persons, developed by the Government in cooperation with United Nations agencies. In October 2000 the standards were adopted in a decree of the Council of Ministers, signed by President Dos Santos, as norms on the resettlement of internally displaced persons, a preambular paragraph of which states that the Guiding Principles establish general principles governing the treatment of internally displaced persons.

21. Following a mission by the Senior Inter-Agency Network on Internal Displacement (see paras. 48-50 below), the Government of Burundi, in collaboration with the United Nations country team, in February 2001 established a permanent framework for the protection of internally displaced persons. The framework comprises two bodies — the Committee for the Protection of Displaced Persons, and the Technical Group for Follow-Up — whose monitoring and remedial actions in support of the displaced are to be undertaken within the framework provided by the Guiding Principles.

22. The Government of Armenia has translated the Guiding Principles into Armenian, published them in booklet form and disseminated them to all relevant ministries, and non-governmental organizations and educational institutions.

23. A number of Governments continue to request or participate in training and other seminars on the Guiding Principles. The Representative's previous report to the General Assembly referred to such seminars in Uganda and Colombia. In May 2000, representatives of the Governments of Armenia, Azerbaijan and Georgia participated in a regional workshop on internal displacement in the south Caucasus, convened by the Organization for Security and Cooperation in Europe (OSCE) and other organizations. In Angola, in 2000, government officials and military officers participated in training workshops on the Guiding Principles organized by the Norwegian Refugee Council (NRC) and UNHCR. In 2001, a training workshop was organized in Colombia in collaboration with the national and regional human rights ombudsman's office and NRC and involved the participation of 45 recently elected municipal human rights ombudsmen.

24. Other national-level workshops on the Guiding Principles are planned. For example, a seminar on internal displacement is planned to be held in Indonesia in June 2001. The seminar is being co-sponsored by the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, UNHCR, UNDP and the Brookings Institution/City University of New York (CUNY) Project on Internal Displacement.

25. Another initiative at the national level is the promotion of the Guiding Principles through national human rights institutions. At a regional conference on internal displacement in Asia (Bangkok, February 2000) it was proposed that national human rights institutions focus on the rights of the internally displaced, press for the observance of the Guiding Principles and promote specific steps to protect internally displaced persons. In August 2000, the Asia/Pacific Forum for National Human Rights Institutions expressed support for a greater role for those bodies with the internally displaced.

26. For non-governmental organizations at the national level, the Guiding Principles have become an important vehicle for bringing about improved treatment for internally displaced persons, and they are actively using them in countries throughout the world to monitor and assess the needs of the internally displaced and advocate on their behalf. In Colombia, for example, national non-governmental organizations have widely disseminated the Guiding Principles, employ them as a benchmark against which to monitor

and evaluate national policies and legislation, and use them to promote and strengthen dialogue with the Government on the rights of internally displaced persons. National lawyers' organizations in Armenia, Azerbaijan and Georgia, with the support of the Office for Democratic Institutions and Human Rights of OSCE and the Brookings/CUNY Project, are in the process of reviewing national legislation and administrative procedures in terms of the Guiding Principles. In Sri Lanka, the non-governmental Consortium of Humanitarian Agencies in 2001 published a "toolkit" to promote the dissemination and application of the Principles among government officials, non-State actors, international and national non-governmental organizations and international agencies working with the displaced in that country.

27. To assist in the promotion, dissemination and application of the Guiding Principles at the national level, the Principles are being translated into an ever-increasing number of languages. The translations are being posted on the web site of OHCHR. Such efforts to translate and publish the Principles have been undertaken at the initiative of a variety of actors, Governments, the United Nations and its agencies, and international and local non-governmental organizations, often working in partnership. Support for additional efforts may be available from OHCHR in the framework of technical cooperation projects. OHCHR has also included in its annual appeal for 2001 the translation and publication of the Guiding Principles into the local languages of a number of countries with problems of internal displacement.

Regional level

28. Regional organizations also continue to devote attention to the promotion and application of the Principles. In resolutions 54/167 and 2001/54, the General Assembly and the Commission, respectively, noted with appreciation that regional organizations are making use of the Guiding Principles in their work and encouraged their further dissemination and application. In particular, the Commission welcomed initiatives undertaken by the Organization of African Unity (OAU), the Organization of American States (OAS) and OSCE.

29. OAU, it will be recalled, took note of the Guiding Principles with interest and appreciation and in 1998 co-sponsored a seminar on their use in Africa. The organization participated in the International Colloquy on the Guiding Principles on Internal Displacement (see paras. 43-44), during which consideration was given to OAU efforts to disseminate and apply the Principles and to possibilities for future action, including playing a more active role in monitoring situations of internal displacement and in influencing Governments to address the problem. The African Commission on Human and Peoples' Rights also participated in the Colloquy. Its representative suggested that the Commission possessed significant potential for integrating the issue of internal displacement and the Principles systematically into its work — for example, in the context of its fact-finding missions and in its general advocacy work and dialogue with Governments.

30. At the subregional level, in April 2001, Ministers of the Economic Community of West African States (ECOWAS) adopted a declaration at the Conference on War-affected Children in West Africa, held in Ghana and co-hosted by the Governments of Ghana and Canada, which welcomed the Guiding Principles and called for their application by ECOWAS member States. An ECOWAS representative also participated in the International Colloquy on the Guiding Principles and expressed that organization's interest in further promoting the Principles.

31. The South African Development Community (SADC) scheduled, in June 2001, a seminar on forced displacement, together with UNHCR-Pretoria, the Representative of the Secretary-General and the Brookings/CUNY Project. However, for practical reasons, it decided to postpone the seminar. Consultations are under way with the UNHCR regional office, and it is the hope of the Representative that the seminar will be rescheduled next year.

32. In the Americas, the Inter-American Commission on Human Rights of OAS and its rapporteur on internally displaced persons have regularly been applying the Principles in their work and monitoring conditions in different countries in terms of the Principles. Their activities in that regard were outlined at the International Colloquy, in which a representative of the Commission participated and from which suggestions emerged for future action on its part.

33. OSCE and its Office for Democratic Institutions and Human Rights (ODIHR) have begun to focus increasingly on the application of the Principles. In September 2000, ODIHR, in conjunction with the

Government of Austria, convened the Supplementary Human Dimension Meeting: Migration and Internal Displacement, at which the Representative gave a keynote address. A principal goal of the Meeting was to elaborate ways in which OSCE institutions, field operations and participating States could enhance their response to internal displacement, in particular through the practical application of the Guiding Principles. Among its recommendations, the Meeting called for the integration of internal displacement into the activities of OSCE, using the Principles as a framework. It also recommended that heads of field missions evaluate their operational activities according to the Principles, and that the Principles also be used to monitor and review new and protracted situations of displacement.[6]

34. The Council of Europe has become increasingly engaged with the internal displacement issue, in particular through the activities of the Parliamentary Assembly and its Committee on Migration, Refugees and Demography, which have sought to address situations of internal displacement by, for example, undertaking fact-finding missions to displacement-affected countries and recommending respect for the Guiding Principles.[7] The Committee invited the Representative to speak on the Principles at its meeting in October in Paris; a statement was delivered on his behalf. In September 2001, the Committee and the Representative will co-host a seminar in Geneva on internal displacement in Europe and the application of the Guiding Principles.

35. The Commonwealth, which also participated in the Colloquy, has in the past expressed its support for the efforts of the Representative to develop a normative framework for the internally displaced. A number of suggestions were made at the Colloquy on how the organization could enhance its activities in regard to internal displacement and the Guiding Principles — for example, through workshops and conferences.

36. The Commission has expressed its appreciation for efforts to disseminate and promote the Principles at regional and other seminars. It encouraged the Representative to continue to initiate or support such seminars in consultation with regional, intergovernmental and non-governmental organizations and other relevant institutions (resolution 2001/54).

37. In February 2000, a regional conference on internal displacement in Asia was convened in Bangkok at the invitation of the Representative, hosted by Forum Asia and the University of Chulalongkorn and sponsored by UNHCR, the Brookings/CUNY Project, NRC and the United States Committee for Refugees. Participants came from 16 Asian and other countries and included representatives of national human rights commissions, academic and research institutions, local, regional and international non-governmental organizations, the media and international organizations. The goals of the conference included promoting the dissemination and application in Asia of the Guiding Principles and sharing information on the problem of internal displacement within the Asian region with a view to identifying effective practices for addressing it. Participants welcomed the Principles, noted the positive contribution they could make in promoting protection and assistance, and urged their observance by all relevant actors. The conference proceedings have been published by UNHCR in a special issue of *Refugee Survey Quarterly*, devoted to internal displacement in Asia.[8]

38. In May 2000, a regional workshop on internal displacement in the South Caucasus was convened in Tbilisi, Georgia, co-sponsored by OSCE/ODIHR, the Brookings/CUNY Project and NRC.[9] Attended by representatives of the Governments of Armenia, Azerbaijan and Georgia, the Representative of the Secretary-General, representatives of international organizations and national non-governmental organizations, and international experts, the workshop used the Guiding Principles as a basis for discussing strategies for addressing internal displacement in the region. Participants welcomed the Principles as a useful restatement of international law pertaining to the internally displaced as well as an instrument providing clear guidance in cases where existing international law contains grey areas.

39. From 31 May to 4 June 2001, the Brookings/CUNY Project, in collaboration with the Centre for Refugees and Forced Migration Studies of Skopje, Macedonia, organized a lecture series entitled "Exodus Within Borders: The Global Crisis of Internal Displacement". The lectures, which were given by experts from academic and research institutions, international organizations and non-governmental organizations, were held in the former Yugoslav Republic of Macedonia, Albania and Bulgaria and sought to raise visibility to the worldwide problem of

internal displacement and focus attention on the Balkans region. Particular attention was paid to the Guiding Principles. Audiences included government officials, international organizations, regional organizations, international, regional and national military and police, non-governmental organizations, academics, experts and students. TV, radio and newspapers featured the series. The Macedonian portion was co-sponsored by the Institute for Sociological, Political and Juridical Research of St. Cyril and Methodius University of Skopje, UNHCR-Skopje and the Open Society Institute. The Bulgarian portion was co-sponsored by UNHCR-Sofia, the Bulgarian Red Cross, the Refugee Agency and the Bulgarian Helsinki Committee; and the Albanian portion was sponsored by the Centre for Refugee and Migration Studies in Tirana.

International level

40. The Commission on Human Rights has consistently emphasized the importance of integrating the internal displacement issue into the activities of its special procedures (country and thematic rapporteurs) and the human rights treaty bodies. A number of the Commission's special procedures, as a result, have already begun to refer to the Guiding Principles in their reports and statements and also in the context of urgent appeals. The human rights treaty bodies, for their part, have become increasingly seized of both the internal displacement issue and the Guiding Principles.

41. OHCHR continues to be engaged in the promotion, dissemination and application of the Principles. The High Commissioner uses the Principles in her advocacy efforts in regard to specific country situations and has also referred to them in relation to specific thematic concerns regarding the internally displaced. In addition, the Principles have been disseminated to and are beginning to be applied by United Nations human rights field presences, almost all of which are in countries affected by internal displacement.

42. The Senior Inter-Agency Network on Internal Displacement (see paras. 48-50), chaired by the Office for the Coordination of Humanitarian Affairs, made the Guiding Principles the framework for its activities and missions to different countries.

C. Future steps in promoting the implementation of the Guiding Principles

43. Additional initiatives to promote the use of the Principles were discussed at the International Colloquy on the Guiding Principles on Internal Displacement, jointly convened by the Representative and the Government of Austria (Vienna, September 2000), and organized by the Brookings/CUNY Project. The principal objectives of the Colloquy were to review and evaluate how the Principles had been received at the international, regional and national levels and to explore how best to further promote their implementation. The 50 participants came from different geographical regions and represented a broad cross-section of international, regional and subregional organizations, national human rights commissions, local and international non-governmental organizations, and research and academic institutions.

44. A major focus of the Colloquy was to promote the integration of the Principles into the work of existing actors, in particular the United Nations human rights system, the international humanitarian and development organizations within IASC, regional organizations and non-governmental organizations. The Colloquy's plan of action can be found at www.brook.edu/fp/projects/idp/conferences/vienna200009/summary.htm.

45. To conclude, the Guiding Principles have clearly come to constitute an important advocacy tool for international organizations, regional bodies and non-governmental organizations in their work on behalf of the displaced. Governments also are finding the Guiding Principles a useful guide for the development of laws and policies on internal displacement. Consistent with the central role of dialogue in the implementation of the mandate, the Representative intends to broaden ongoing consultations with States in order to explore their concerns and how best to apply the Principles in accordance with the sovereign wishes of States.

III. Towards an effective institutional framework

46. Making suggestions and recommendations on the institutional aspects of the international response for providing protection and assistance to internally displaced persons has been a key component of the work of the mandate since its inception and one on which the Representative has reported regularly. Among the various options originally presented by the Representative were the creation of a special agency for the internally displaced, the designation of an existing agency to assume full responsibility for the internally displaced, and collaboration among the various relevant agencies.

47. The last option has become the preferred one for the international community, although it has not always proven adequate, especially in the area of protection of physical safety and human rights. Although important steps towards remedying this state of affairs were taken in accordance with the Secretary-General's 1997 programme for reform — in particular, assigning to the Emergency Relief Coordinator responsibility for ensuring that the protection and assistance needs of internally displaced persons are more effectively addressed within the inter-agency framework — the response to specific situations of internal displacement remains ad hoc and still largely focused on assistance.

48. In the light of these serious shortcomings, the suggestion of designating one agency to assume responsibility for the internally displaced resurfaced in 2000. The response of IASC was to reaffirm the collaborative approach as the preferred option but to acknowledge that it needed to be improved in order to respond effectively to the protection and assistance needs of the internally displaced. IASC recognized the importance of clarifying responsibilities, formulating comprehensive strategies for each country situation, and building capacity, especially in protection. Therefore, the Senior Inter-Agency Network on Internal Displacement was established in September 2000. IASC also put into place a mechanism for reviewing the realization of an effective and comprehensive response to internal displacement at the field level.

49. The Network is to undertake reviews of selected countries with internally displaced populations and make proposals for an improved inter-agency response to their needs. The country reviews are also to provide the basis for longer-term recommendations to strengthen future response. The Guiding Principles are the frame of reference for the review process.

50. Headed by a special coordinator, the Network comprises senior focal points from participating member agencies and standing members of IASC. Its terms of reference accord a special role to the Representative in view of his global advocacy function and expertise, and the special coordinator is to seek his advice with regard to all activities and to liaise closely with him. The office of the Representative is thus an active member of the Network.

A. Clarifying responsibilities

51. The need to clarify responsibilities for the internally displaced was acknowledged and addressed by the preparation (with the active involvement of the office of the Representative) and adoption by IASC principals in April 2000 of the document "Supplementary guidance to humanitarian/resident coordinators on their responsibilities in relation to internally displaced persons".

52. The document consolidates earlier policy guidelines, recalling the different levels of international responsibility for internally displaced persons. In particular, it restates the responsibility of the humanitarian/resident coordinator or the country director of the lead agency (if designated) for the strategic coordination of the United Nations response to the needs of internally displaced persons. The humanitarian/resident coordinator or country director is to recommend to the Emergency Relief Coordinator, in consultation with the United Nations country team and other relevant partners, an allocation of responsibilities for the protection and assistance to internally displaced persons and for ensuring that gaps in the response to their needs are systematically addressed.

53. In addition, the humanitarian/resident coordinators or country directors are given responsibilities in the area of advocacy, in particular to engage in dialogue with national and local authorities to impress upon them their primary responsibility for protecting and assisting internally displaced persons. Furthermore, in support of the Representative's advocacy role, the humanitarian/resident coordinators or country directors are expected to advise on possibilities for the Representative to engage in

dialogue with the authorities and with the international community in support of protecting and assisting internally displaced persons.

54. The main value of the supplementary guidance document lies in recalling and highlighting long-standing responsibilities and in placing emphasis on accountability for their effective fulfilment. Accordingly, implementation of the guidance, in particular with regard to protection, will need to be closely monitored.

B. Ensuring a comprehensive response

55. In discharging his or her responsibilities on internal displacement, the humanitarian/resident coordinator or the country director is responsible for overseeing the development of a comprehensive plan for responding to the assistance and protection needs of internally displaced persons. The plan is to take into account the role of the Government and the local authorities. It is also to reflect the protection role and mandate of organizations with special expertise in protection. Moreover, it is to address the specific needs of vulnerable groups within the internally displaced population, such as women heads-of-household, children, the elderly and the disabled.

56. The plan is to be reflected in the consolidated appeal and its common humanitarian action plan. The consolidated appeal process (CAP) is the mechanism through which the United Nations and its humanitarian partners work together to develop, carry out and, as warranted, revise a plan for addressing humanitarian crises in particular countries. The CAP is an important tool for more effectively responding to the needs of internally displaced populations in complex humanitarian emergencies. Indeed, persons displaced by conflict constitute the overwhelming majority — 90 per cent — of the populations covered by CAP. IASC, in its policy paper on the protection of internally displaced persons, has stressed the importance of ensuring that the needs of the internally displaced, particularly in terms of protection, are systematically taken into account in resource mobilization.

57. To assist IASC in that task, last year the Representative commissioned, with the support of UNICEF and the Brookings/CUNY Project, a study on the extent to which consolidated appeals for the year 2000 supported internally displaced populations.[10] The study found that most of the appeals acknowledged the special vulnerabilities and needs of the internally displaced. However, it also found that there remains considerable scope in appeal documents to enhance the analysis and response to internal displacement, particularly with regard to protection, and made a series of recommendations to that end. The IASC Working Group welcomed the report and urged that its recommendations be made immediately available to country offices engaged in preparing appeals for 2001. A preliminary analysis of the 2001 appeal documents points to measurable progress made in the attention given to internal displacement.

58. However, it is also important to note that internal displacement does not only take place in "complex emergencies", which are covered by the CAP. It also occurs in situations that are not recognized as "complex emergencies" by the international community or where access is barred to international agencies. Furthermore, protracted situations of internal displacement may persist long after the emergency phase of a humanitarian situation is over. Attention and resources must be devoted to addressing the protection and assistance needs of the internally displaced in all of these situations as well.

C. Protection: from policy to practice

59. It is now widely recognized that protection, together with assistance and solutions, is essential to an effective response to humanitarian crises. Even so, protection remains an ill-addressed component of a comprehensive response to internal displacement. Part of the problem, the Representative had been told, was a lack of conceptual clarity as to the meaning of "protection". Accordingly, the Representative, together with the High Commissioner for Human Rights and the Emergency Relief Coordinator, set out to clarify the meaning of "protection" for the internally displaced. A joint paper prepared by their offices and presented to the IASC Working Group subsequently became the basis for an IASC-wide policy paper on the issue, adopted by IASC in December 1999.

60. The policy paper constitutes a core document for IASC in its response to internal displacement and an important basis for strategy development. The challenge, however, is now one of giving practical effect to the various strategic types of protection activity that the paper outlines. The country reviews

being undertaken by the Senior Inter-Agency Network on Internal Displacement should make a valuable contribution in that regard.

61. The process of country reviews began with inter-agency missions to Ethiopia and Eritrea in October 2000 and to Burundi in December. During 2001, the Network undertook a mission to Angola, in which the office of the Representative participated, and one to Afghanistan, and plans to visit Indonesia and Colombia.

62. In April 2001, on the basis of the findings of these missions and following consultations among members and standing members of IASC, the special coordinator presented his interim report to the Emergency Relief Coordinator which outlined proposals for a strengthened inter-agency response in the field and for strengthened support capacity at headquarters level. Specifically, it proposes the establishment within the Office for the Coordination of Humanitarian Affairs of a unit for coordinating activities regarding internally displaced persons. The unit is to undertake systematic reviews of selected countries to assess international efforts to meet the assistance and protection needs of internally displaced persons and to make recommendations for improved response. The unit will also support the global advocacy efforts of the Representative. In May 2001, the Network's proposals were approved by the Secretary-General, and it is expected that the unit will be established by the end of 2001.

D. Complementarity between the mandate and the Network

63. The Representative and the Network have developed a collaborative and complementary relationship which serves to reinforce their respective efforts in seeking better to address the needs of internally displaced persons. The value of this complementarity lies in the distinctive characteristics which each brings to the international response to internal displacement.

64. The mandate of the Representative, it will be recalled, initially established by the Commission on Human Rights in 1992, was to study the causes and consequences of internal displacement, both generically and specifically in affected countries. It has evolved, at the request of the Commission and the General Assembly, into four main areas of work:

(a) Developing a normative framework for the internally displaced and promoting the dissemination and application of the Guiding Principles;

(b) Evaluating international and regional institutional arrangements for the internally displaced;

(c) Undertaking country missions to evaluate conditions on the ground and dialogue with Governments and other actors;

(d) Under the auspices of independent research institutions, carrying out research into various aspects of the problem of internal displacement, including acting as a "research arm" for the United Nations system.

The Representative reports regularly on his activities to the Commission and the General Assembly, as well as to the Secretary-General. Moreover, he does so as an independent expert outside the United Nations Secretariat. He thus exhibits a degree of flexibility in his analyses which facilitates his role as a catalytic advocate for internally displaced persons. In 2001, the Commission extended his mandate for another three years.

65. The Network, by contrast, and, in due course, the proposed unit in the Office for the Coordination of Humanitarian Affairs are intended to reinforce the role of the Emergency Relief Coordinator in ensuring that United Nations agencies, in cooperation with Governments, better coordinate and improve the delivery of assistance and protection to internally displaced populations worldwide. While not operational in itself, the unit would focus on the operational performance of agencies on the ground, examining the efficiency of the international response — in particular, issues of coordination — and reporting thereon to IASC. The unit would support the Representative's advocacy efforts, in particular with regard to the Guiding Principles, the Network's overarching framework.

66. Some degree of overlap between the work of the Representative and that of the Network (and unit) is inevitable and even desirable. What is important is that the two work together in a complementary and mutually reinforcing manner.

67. This has definitely been the case with country missions. The Representative and the Network have coordinated the selection and sequencing of the countries to be visited, at the same time recognizing that the focus of their reports and the objectives of their missions may be different. Indeed, the Representative and the Network have made use of each other's reports and follow up on their findings and recommendations. This was the case in Angola when the Network's mission of March 2001 followed the Representative's there in November 2000 and built upon his findings and in particular helped see implemented the recommendation for a protection mechanism. In other instances, the Representative may gain access to countries to which the Network may not, and vice versa, so that one may reinforce the work of the other. Furthermore, when agencies find it useful, they may call upon the Representative to visit a particular country, as when IASC requested the Representative to visit Burundi in February 2000 to reinforce its message on *regroupement*. Operational agencies on the ground often find the intervention of an ombudsman-like figure from outside the country team to be an effective way of articulating the international community's concerns to a Government.

68. For many years, the Representative called for better coordination of United Nations action for internally displaced persons. He therefore welcomes the efforts of the Network to improve coordination — in particular, to try to remedy gaps in the delivery of protection and assistance by international agencies. In response to the invitation of the special coordinator, the Representative is considering the appointment of a liaison with his mandate within the proposed unit in the Office for the Coordination of Humanitarian Affairs, which would serve further to enhance cooperation between the unit and the Representative.

IV. Country missions

69. Country missions continue to constitute a key component of the work of the Representative. Undertaking such missions provides an opportunity to study the situation of the internally displaced, to assess the effectiveness of national and international responses in addressing their protection, assistance and development needs and, most importantly, to engage in solutions-oriented dialogue with the authorities and other actors. The missions also provide an opportunity for the Representative to discuss the Guiding Principles with Governments, intergovernmental organizations and non-governmental organizations, something which both the Commission on Human Rights and the General Assembly have welcomed and encouraged.

70. The Representative has undertaken 19 country visits, to Angola, Armenia, Azerbaijan, Burundi (twice), Colombia (twice), East Timor, El Salvador, Georgia, Mozambique, Peru, Rwanda, the Russian Federation, Somalia, Sri Lanka, Sudan, Tajikistan and the former Yugoslavia.

71. Since his last report to the General Assembly, the Representative has undertaken five country missions to Burundi, East Timor, Georgia, Armenia and Angola (with the support of the Government of Japan through the Human Security Fund), detailed reports on which were submitted to the Commission on Human Rights at its fifty-sixth and fifty-seventh sessions. It is to be hoped that the recommendations emanating from those five missions will be given due regard by the Governments concerned and by the international community and will be implemented. Reports indicate that some of the recommendations have indeed been acted upon. The Commission has stressed the importance of appropriate follow-up to the recommendations by Governments and by the relevant parts of the United Nations system in IASC, including response at the country level. The resident/humanitarian coordinators have a particular responsibility for ensuring that the recommendations are duly considered by the country team and for providing updated information on their implementation. The Representative, for his part, plans to undertake in the next phase of his mandate a systematic review of the recommendations of all his country missions and will report to the Commission thereon.

72. In May 2001 the Representative was due to take a mission to Sudan, which is the country with, by far, the greatest number of internally displaced persons (over 4 million). Furthermore, the mission was to be combined with a workshop on internal displacement, to be held in Khartoum, which was agreed to by the Government and was to be co-sponsored by UNDP and the Brookings/CUNY Project. A similar workshop was to be held in southern Sudan, in Rumbek, also in collaboration with UNDP. Regrettably, at the last moment certain elements in the Government decided against the mission and workshops, for reasons that

were not given. However, the Representative is welcome to visit the country in order to discuss the situation, with a view to agreeing on alternative arrangements. The Representative is in contact with the Government on the matter and hopes that it will be resolved shortly, so that the mission and the workshops can go forward, as originally agreed.

73. Looking ahead, plans are under way for a number of country visits in the latter half of 2001. The Representative was to undertake a mission to Indonesia at the end of June 2001, to be combined with a seminar on internal displacement and a visit to the Philippines. Both missions, however, had to be postponed for compelling reasons, although the seminar in Indonesia is to be held as planned. The Representative has also accepted an invitation from the Government of Turkey to undertake a mission there later in the year.

74. In addition, over the past year the Representative has engaged in dialogue with the authorities of the Russian Federation and Mexico on the possibility of undertaking missions to those countries and hopes that positive replies will be forthcoming. In the case of the Russian Federation, the Representative requested a second mission — specifically to Chechnya — and began a dialogue with the authorities on the issue. Subsequently, the Commission adopted resolutions at its fifty-sixth and fifty-seventh sessions calling on a number of its special procedures, including the Representative, to undertake missions to Chechnya. The Commission, at its special session on the situation in the Middle East, also called upon a number of its special procedures, including the Representative, to undertake missions to the Occupied Territories. The Representative, however, has been denied entry by the Government of Israel.

V. New issues for research

75. Although the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it is largely complete, there remain issues on which additional research and consideration are required. The Representative was recently asked by the Office for the Coordination of Humanitarian Affairs to explore the question of when internal displacement ends. The Representative plans to call together experts and others to examine the matter. A number of additional issues were referred to in the Representative's last report to the General Assembly, in particular, the problem of how to address the protection and assistance needs of the large proportion of internally displaced persons who live in areas not under government control and who are subject to the actions of armed groups or non-State actors; and the issue of donor policies towards internal displacement, in particular, the nature of specific activities that they fund, through bilateral and multilateral assistance.[11]

76. Plans are under way to carry out research in a number of other areas. Given that the primary responsibility for meeting the protection and assistance needs of the internally displaced rests with the national authorities of the State concerned, the Brookings/CUNY Project intends to carry out a comparative analysis of national responses to situations of internal displacement with a view to promoting more effective policies and programmes at the national level and simultaneously helping to guide the most appropriate international response.

77. A review is also planned of the activities of regional organizations in regard to internally displaced persons with a view to identifying the most effective roles for those organizations in addressing situations of internal displacement.

78. Research into the role of peacekeeping forces vis-à-vis internally displaced populations is also planned. Specifically, the Brookings/CUNY Project will seek to determine the ways in which peacekeeping forces can better support the assistance and protection needs of internally displaced persons in those locations where they are deployed. The Brookings/CUNY Project also plans to concentrate in the coming months on the development of a more comprehensive protection regime for refugees and internally displaced persons. There is fear in refugee circles that extending protection to the internally displaced will prevent persons fleeing the country and undermine their right to asylum, the keystone of refugee protection. The Project plans to undertake research into the tensions that sometimes exist between refugees and internally displaced persons and to develop policy responses that might better integrate the protection concerns of both groups into a comprehensive regime.

VI. Conclusion

79. In his first report to the General Assembly, at its forty-eighth session in 1993, the Representative observed that, given the acuteness of the crisis of internal displacement and the urgent need for remedies, it was to be hoped that the international community would soon see fit to develop appropriate normative principles and institutional arrangements for an effective response to the serious problem confronting the rapidly increasing numbers of internally displaced persons worldwide.

80. Eight years later, it is encouraging to note developments in both respects. A normative framework has been established in the form of the Guiding Principles on Internal Displacement, and important and often quite innovative efforts are being pursued by an increasing number of States and intergovernmental, regional and non-governmental organizations to promote, disseminate and apply the Principles. As concerns institutional arrangements, in the past months progress has been made towards a better coordinated international response.

81. At the same time, it would be tragically ironic if the international community were to view these developments, encouraging though they are, as grounds for complacency. On the contrary, the crisis of internal displacement is as acute now as it was eight years ago. Moreover, as an understanding of the issues has increased and deepened, so has the challenge of responding.

Notes

[1] See E/CN.4/2000/83 and E/CN.4/2001/5.

[2] A/54/409, para. 20.

[3] S/PV.4046 and resumption 1 and Corr.1 and 2 and resumption 2.

[4] S/PV.4130 and resumption 1.

[5] A/55/82-E/2000/61, para. 131.

[6] See OSCE, "Report of the Supplementary Human Dimension Meeting: Migration and Internal Displacement, Vienna, 25 September 2000".

[7] See "Report of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe concerning the conflict in Chechnya" (document 8632, of 25 January 2000).

[8] *Refugee Survey Quarterly*, vol. 19, No. 2 (2000).

[9] See E/CN.4/2001/5/Add.2.

[10] Jim Kunder, *The Consolidated Appeals and Internally Displaced Persons: The Degree to Which UN Consolidated Inter-Agency Appeals for the Year 2000 Support Internally Displaced Populations* (UNICEF and the Brookings Institution Project on Internal Displacement, August 2000).

[11] See A/54/409, paras. 99-100.